

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD JACK HARDY,

Petitioner,

v.

RON HAYNES,

Respondent.

CASE NO. C20-5898-JCC

ORDER

This matter comes before the Court on the Report and Recommendation (R&R) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. No. 9).

In December 2020, Magistrate Judge J. Richard Creatura recommended the Court deny Petitioner Richard Jack Hardy's 28 U.S.C. § 2254 petition for failure to state a claim upon which relief may be granted. (*Id.*) Mr. Hardy did not file objections, and the Court adopted the R&R, denied the habeas petition, and entered judgment. (Dkt. Nos. 10, 11.) Following the Court's entry of judgment, Mr. Hardy asked for additional time to file objections because pandemic-related lockdowns at Stafford Creek Corrections Center made it difficult, if not impossible, for him to access his legal materials. (Dkt. No. 12.) The Court construed Mr. Hardy's request as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b), granted the motion in part, vacated the prior order and judgment deying the petition, and gave Mr. Hardy until May 28, 2021 to file objections to the R&R. (Dkt. No. 13.) The Court also indicated that Mr. Hardy could

1 file another motion for extension of time if the Stafford Creek Law Library did not open by April
2 30, 2021. (*Id.*) To date, Mr. Hardy has not filed objections to the R&R or a motion for a further
3 extension of time.

4 Having thoroughly considered the R&R and the relevant record, and having received no
5 objections, the Court ORDERS that:

- 6 1. The R&R (Dkt. No. 9) is ADOPTED.
- 7 2. Petitioner's federal habeas petition is DENIED.
- 8 3. A certificate of appealability is DENIED in this case.
- 9 4. The Clerk is respectfully DIRECTED to provide a copy of this order to Petitioner, all
10 counsel of record, and the Honorable J. Richard Creatura.

11 DATED this 21st day of June 2021.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE